



EPW/B

Docket No.: T0529.70057US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian C. Phelps et al.
Serial No.: 10/606,848
Confirmation No.: 5755
Filed: June 26, 2003
For: METHOD FOR TESTING NON-DETERMINISTIC DEVICE DATA
Examiner: Cynthia H. Britt
Art Unit: 2138

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 19, 2007


Christine M. Citro

**COMMENTS ON STATEMENT OF REASONS FOR
ALLOWANCE AND EXAMINER'S AMENDMENT**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants thank the Examiner for making changes to this application by Examiner's Amendment to place the application in condition for allowance. However, neither the Interview Summary dated December 18, 2006 nor the Examiner's Amendment accompanying the Notice of Allowance mailed December 28, 2006, indicates the reason for amendments to Claims 1 and 10. To provide a complete record, Applicants provide the following observations:

During the interview, the Examiner explained that the Office currently prefers that the term "if" be used in claims only as part of a phrase that specifies **both** an act that occurs if a specified condition is met and an alternative act that occurs if that condition is not met. As

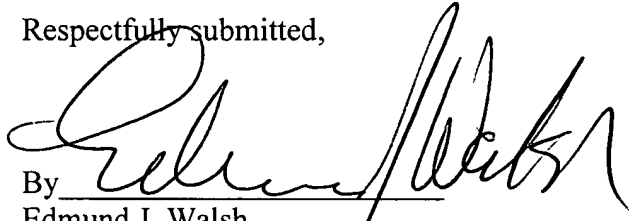
U.S. Application No: 10/606,848
Art Unit: 2138
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explained by the Examiner, for claims that do not also specify an alternative act that occurs if the specified condition is not met, the Office believes that the term "when" is appropriate.

Because Claims 1 and 10 only define an act to be performed if a specified condition exists, without reciting an alternative act to be performed if the condition is not met, the Examiner requested that the term "if" be changed to "when" in accordance with the described practice of the Office. This change is not intended to alter the meaning of the claim. Specifically, the term "when" is still intended to convey a conditional event and is not intended to specify a limitation on the timing of that event.

Dated: March 19, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund J. Walsh', is written over a horizontal line.

By
Edmund J. Walsh
Registration No.: 32,950
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000



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|---------------------------------------------------------------------------------------------|--|------------------------|------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/606,848-Conf. #5755 |
| | | Filing Date | June 26, 2003 |
| | | First Named Inventor | Brian C. Phelps |
| | | Art Unit | 2133 |
| | | Examiner Name | C. H. Britt |
| Total Number of Pages in This Submission | | Attorney Docket Number | T0529.70057US00 |

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Comments on Examiner's Amendment, Notice of Allowance and Interview Summary (2 pgs) Return Postcard |
| <div>Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--------------------------------|----------|--------|
| Firm Name | WOLF, GREENFIELD & SACKS, P.C. | | |
| Signature | | | |
| Printed name | Edmund J. Walsh | | |
| Date | March 19, 2007 | Reg. No. | 32,950 |

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Dated: March 19, 2007

Signature: (Christine M. Citro)